

November 19, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 7 of 12

### **REMARKS**

In the Final Office Action, Examiner Appiah rejected pending claims 13-29 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.116:

- A. Examiner Appiah rejected pending claims 13, 16-19, 22, 23, 26 and 27 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,356,759 to *Mustajarvi* et al.

The Applicant has thoroughly considered Examiner Appiah's remarks concerning the patentability of claims 13, 16-19, 22, 23, 26 and 27 over *Mustajarvi*. The Applicant has also thoroughly read *Mustajarvi*. To warrant this §102(e) rejection of independent claims 13, 19, 23 and 27, *Mustajarvi* must show each and every limitation of independent claims 13, 19, 23 and 27 in as complete detail as is contained in independent claim 17. See, MPEP §2131. The Applicant respectfully traverses this §102(e) rejection of independent claims 13, 19, 23 and 27, because *Mustajarvi* fails to disclose, teach or suggest the following limitation of independent claims 13, 19, 23 and 27:

1. "wherein, subsequent to a reception of the acknowledgement by said secondary station, control information is initially transmitted on an uplink control channel and a downlink control channel between said primary station and said secondary station" as recited in independent claim 13;
2. "wherein, subsequent to a reception of the acknowledgement by the secondary station, control information is initially transmitted on an uplink control channel and a downlink control channel between said primary station and the secondary station" as recited in independent claim 19;

November 19, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 8 of 12

3. "wherein, subsequent to a reception of the acknowledgement by said secondary station, control information is initially transmitted on an uplink control channel and a downlink control channel between the primary station and said secondary station" as recited in independent claim 23; and

4. "subsequent to a reception of the acknowledgement by said secondary station, initially transmitting control information on an uplink control channel and a downlink control channel between said primary station and said secondary station" as recited in independent claim 27.

Specifically, as illustrated in FIG. 3, *Mustajarvi* discloses an allocation of radio resources between a secondary station MS and a primary station BSS.

At a step 3-1, the secondary station MS transmits a first request for resources (e.g., one or more time slots) to the primary station BSS. At a step 3-2, the primary station BSS grants an Intermediate Assignment to the secondary station MS on a Packet Access Grant channel. At a step 3-3, the secondary station MS transmits an LLC frame which is relayed to the SGSN to inform the SGSN that secondary station MS is moved to a "Ready" state. See, *Mustajavi* at column 2, lines 43-51.

*Mustajavi* does not explicitly teach the Intermediate Assignment as being a form of an acknowledgement of the first request for resources. However, the Applicant respectfully asserts that the Intermediate Assignment <sup>be</sup> must a form of an acknowledgement of the first request for resources, because *Mustajavi* teaches the secondary station MS upon receiving the Intermediate Assignment will either (1) transmit data to the primary station BSS if the resources allocated by primary station BSS during step 3-2 are sufficient (i.e., control information for transmitting data was concurrently transmitted with the Intermediate Assignment) or (2) transmit a second request for

November 19, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 9 of 12

additional resources when the resources allocated by primary station BSS during step 3-2 are insufficient. See, *Mustajavi* at column 2, lines 52-60.

If the secondary station SS transmits a second request for additional resources, then the primary station BSS transmits a Packet Resource Assignment to the secondary station SS during a step 3-4. See, *Mustajavi* at column 2, lines 53-61. *Mustajavi* does not explicitly teach the Packet Resource Assignment as being a form of an acknowledgement of the second request for additional resources. However, the Applicant respectfully asserts that the Packet Resource Assignment must a form of an acknowledgement of the second request for additional resources, because *Mustajavi* teaches the second station will proceed to a step 3-5 to transmit data to the primary station BSS.

Control information as taught by *Mustajavi* is concurrently transmitted with the Packet Intermediate Assignment (3-2), and, if transmitted, the Packet Resource Assignment (3-4). Consequently, *Mustajavi* fails to disclose and teaches away from any transmission of the control information subsequent to a reception of an acknowledgement by secondary station MS.

Withdrawal of the rejection of independent claims 13, 19, 23 and 27 under 35 U.S.C. §102(e) as being anticipated by *Mustajarvi* is therefore respectfully requested.

Claims 16-18 depend from independent claim 13. Therefore, dependent claims 16-18 include all of the elements and limitations of independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claims 16-18 are allowable over *Mustajarvi* for at least the same reason as set forth herein with respect to independent claim 13 being allowable over *Mustajarvi*. Withdrawal of the rejection of dependent claims 16-18 under 35 U.S.C. §102(e) as being anticipated by *Mustajarvi* is respectfully requested.

Claim 22 depends from independent claim 19. Therefore, dependent claim 22 includes all of the elements and limitations of independent claim 19. It is therefore respectfully submitted by the Applicant that dependent claim 22 is allowable over *Mustajarvi* for at least the same reason as set forth with respect to independent claim 19.

November 19, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 10 of 12

being allowable over *Mustajarvi*. Withdrawal of the rejection of dependent claim 22 under 35 U.S.C. §102(e) as being anticipated by *Mustajarvi* is respectfully requested.

Claim 26 depends from independent claim 23. Therefore, dependent claim 26 includes all of the elements and limitations of independent claim 23. It is therefore respectfully submitted by the Applicant that dependent claim 26 is allowable over *Mustajarvi* for at least the same reason as set forth with respect to independent claim 23 being allowable over *Mustajarvi*. Withdrawal of the rejection of dependent claim 26 under 35 U.S.C. §102(e) as being anticipated by *Mustajarvi* is respectfully requested.

- B. Examiner Appiah rejected pending claims 14, 15, 20, 21, 24, 25, 28 and 29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,356,759 to *Mustajarvi* in view of U.S. Patent No. 6,310,868 to *Esmailzadeh et al.*

Claims 14 and 15 depend from independent claim 13. Therefore, dependent claims 14 and 15 include all of the elements and limitations of independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claims 14 and 15 are allowable over *Mustajarvi* in view of *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 13 being allowable over *Mustajarvi*. Withdrawal of the rejection of dependent claims 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Mustajarvi* in view of *Esmailzadeh* is respectfully requested.

Claims 20 and 21 depend from independent claim 19. Therefore, dependent claims 20 and 21 include all of the elements and limitations of independent claim 19. It is therefore respectfully submitted by the Applicant that dependent claims 20 and 21 are allowable over *Mustajarvi* in view of *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 19 being allowable over *Mustajarvi*. Withdrawal of the rejection of dependent claims 20 and 21 under 35 U.S.C. §103(a) as being unpatentable over *Mustajarvi* in view of *Esmailzadeh* is respectfully requested.

Claims 24 and 25 depend from independent claim 23. Therefore, dependent claims 24 and 25 include all of the elements and limitations of independent claim 23. It

November 19, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 11 of 12

is therefore respectfully submitted by the Applicant that dependent claims 24 and 25 are allowable over *Mustajarvi* in view of *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 23 being allowable over *Mustajarvi*.

Withdrawal of the rejection of dependent claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over *Mustajarvi* in view of *Esmailzadeh* is respectfully requested.

Claims 28 and 29 depend from independent claim 27. Therefore, dependent claims 28 and 29 include all of the elements and limitations of independent claim 27. It is therefore respectfully submitted by the Applicant that dependent claims 28 and 29 are allowable over *Mustajarvi* in view of *Esmailzadeh* for at least the same reason as set forth herein with respect to independent claim 27 being allowable over *Mustajarvi*.

Withdrawal of the rejection of dependent claims 28 and 29 under 35 U.S.C. §103(a) as being unpatentable over *Mustajarvi* in view of *Esmailzadeh* is respectfully requested.

November 19, 2003  
Case No. PHB-34,314 (7790/84)  
Serial No.: 09/478,467  
Filed: January 6, 2000  
Page 12 of 12

**SUMMARY**

Examiner Appiah's rejections of pending claims 13-29 have been obviated by the remarks herein supporting the allowance of claims 13-29 over *Mustajarvi*. The Applicant respectfully submits that claims 13-29 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Appiah is respectfully requested to contact the undersigned at the telephone number listed below.

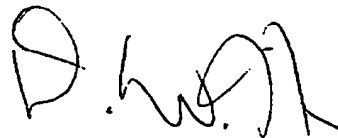
Dated: **November 19, 2003**

Respectfully submitted,  
MATTHEW P.J. BARKER

PHILIPS INTELLECTUAL PROPERTY  
& STANDARDS  
P.O. Box 3001  
Briarcliff, New York 10510  
Phone: (914) 333-9612  
Fax: (914) 332-0615

---

Jack D. Slobod  
Registration No. 26,236  
Attorney for Applicant



CARDINAL LAW GROUP  
Suite 2000  
1603 Orrington Avenue  
Evanston, Illinois 60201  
Phone: (847) 905-7111  
Fax: (847) 905-7113

---

Darrin Wesley Harris  
Registration No. 40,636  
Attorney for Applicant